

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

COMCAST OF MAINE / NEW HAMPSHIRE,  
INC., *et al.*,

Plaintiffs,

v.

JANET MILLS, *et al.*

Defendants.

Civil Action No. 1:19-cv-00410-NT

**JOINT STIPULATION OF DISMISSAL OF TOWN DEFENDANTS WITHOUT  
PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties to this matter, Plaintiffs Comcast of Maine / New Hampshire, Inc. (“Comcast”), A&E Televisions Networks, LLC (“AETN”), National Cable Satellite Corp. (“C-SPAN”), CBS Corp. (“CBS”), Discovery, Inc. (“Discovery”), Disney Enterprises, Inc. (“DEI”), Fox Cable Network Services, LLC (“Fox”), NBCUniversal Media, LLC (“NBCUniversal”), New England Sports Network, LP (“NESN”), and Viacom Inc. (“Viacom”) (Comcast, AETN, C-Span, CBS, Discovery, DEI, Fox, NBCUniversal, NESN, and Viacom, collectively, the “PLAINTIFFS”), Defendants Janet Mills (“Governor Mills”) and Aaron Frey (“Attorney General Frey”) (Governor Mills and Attorney General Frey, collectively, the “STATE DEFENDANTS”), and Defendants the City of Bath, Maine (“Bath”), the Town of Berwick, Maine (“Berwick”), the Town of Bowdoin, Maine (“Bowdoin”), the Town of Bowdoinham, Maine (“Bowdoinham”), the Town of Brunswick, Maine (“Brunswick”); the Town of Durham, Maine (“Durham”), the Town of Eliot, Maine (“Eliot”), the Town of Freeport, Maine (“Freeport”), the Town of Harpswell, Maine (“Harpswell”), the Town of Kittery, Maine (“Kittery”), the Town of Phippsburg, Maine (“Phippsburg”), the Town of South Berwick, Maine

(“South Berwick”), the Town of Topsham, Maine (“Topsham”), the Town of West Bath, Maine (“West Bath”), and the Town of Woolwich, Maine (“Woolwich”) (Bath, Berwick, Bowdoin, Bowdoinham, Brunswick, Durham, Eliot, Freeport, Harpswell, Kittery, Phippsburg, South Berwick, Topsham, West Bath, and Woolwich collectively, the “TOWN DEFENDANTS”), hereby stipulate and agree as follows:

WHEREAS, the STATE DEFENDANTS have agreed that they are proper defendants in this action, and have further agreed that the TOWN DEFENDANTS are not necessary parties to this action, and have further agreed that the STATE DEFENDANTS will not argue or file a motion to the contrary in the course of this litigation; and,

WHEREAS, the TOWN DEFENDANTS have agreed that they will not enforce or attempt to enforce H.P. 606 – L.D. 832, “An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs,” 129th Leg., Pub. L. Ch. 308 (Me. 2019) (the “Maine Act”) during the pendency of this litigation or following any determination by the Court in this action that the Maine Act is unlawful; and,

WHEREAS, PLAINTIFFS have agreed that the TOWN DEFENDANTS shall not be deemed to be in breach of their agreement not to enforce or attempt to enforce the Maine Act during the pendency of this litigation as a result of any franchise renewal negotiations, or if a request is made that a cable operator voluntarily agree to provide the option of purchasing access to cable channels, or programs on cable channels, individually.

1. NOW THEREFORE, in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), PLAINTIFFS hereby voluntarily dismiss the TOWN DEFENDANTS from this action, without prejudice, and with all Parties to bear their own attorneys’ fees, expenses, charges and costs. The TOWN DEFENDANTS’ respective motions to dismiss PLAINTIFFS’ complaint

(Dkt. Nos. 67, 71, 73, 74, 75, 76, 80) and oppositions to PLAINTIFFS' motion for a preliminary injunction (Dkt. Nos. 70, 72, 77, 78, 79, 81) are hereby mooted by this dismissal and withdrawn by the TOWN DEFENDANTS.

2. The Parties expressly reserve all other rights, claims, defenses, and remedies.

Dated: October 10, 2019

FOR THE PLAINTIFFS

/s/ Joshua A. Randlett

Joshua A. Randlett  
Joshua A. Tardy  
RUDMAN WINCHELL  
84 Harlow Street, P.O. Box 1401  
Bangor, ME 04402  
(207) 947-4501  
jrandlett@rudmanwinchell.com  
jtardy@rudmanwinchell.com

Matthew A. Brill (*pro hac vice*)  
Matthew T. Murchison (*pro hac vice*)  
LATHAM & WATKINS LLP  
555 Eleventh Street, NW, Suite 1000  
Washington, D.C. 20004-1304  
matthew.brill@lw.com  
matthew.murchison@lw.com

David P. Murray (*pro hac vice*)  
Michael D. Hurwitz (*pro hac vice*)  
WILLKIE FARR & GALLAGHER LLC  
1875 K Street, N.W.  
Washington, DC 20006-1238  
MHurwitz@willkie.com  
DMurray@willkie.com  
(For Plaintiffs Comcast of Maine/New  
Hampshire, Inc. and NBCUniversal  
Media, LLC only)

Respectfully submitted,

FOR DEFENDANTS GOVERNOR MILLS  
AND ATTORNEY GENERAL FREY

/s/ Christopher C. Taub

Christopher C. Taub, AAG  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333-0006  
(207) 626-8800  
christopher.c.taub@maine.gov

FOR DEFENDANTS THE TOWN OF  
BERWICK, THE TOWN OF ELIOT,  
THE TOWN OF BOWDOINHAM, THE  
TOWN OF FREEPORT, THE TOWN OF  
SOUTH BERWICK, AND THE TOWN OF  
TOPSHAM

/s/ Eben M. Albert

Eben M. Albert  
Philip R. Saucier  
BERNSTEIN SHUR  
100 Middle Street  
P.O. Box 9729  
Portland, ME 04104-5029  
(207) 774-1200  
ealbert@bernsteinshur.com  
psaucier@bernsteinshur.com

FOR DEFENDANT THE TOWN OF  
HARPSWELL

/s/ Jeffrey T. Piampiano

Jeffrey T. Piampiano  
Amy K. Tchao  
DRUMMOND WOODSUM  
84 Marginal Way, Suite 600  
Portland, ME 04101-2480  
(207) 772-1941  
jpiampiano@dwmlaw.com  
atchao@dwmlaw.com

FOR DEFENDANTS THE TOWN  
OF DURHAM AND TOWN OF  
BOWDOIN

/s/ John W. Conway

John W. Conway  
LINNEL, CHOATE & WEBBER  
83 Pleasant Street  
P.O. Box 190  
Auburn, ME 04212-0190  
(207) 784-4563  
jconway@lcwlaw.com

FOR DEFENDANT THE TOWN OF  
PHIPPSBURG

/s/ Jessica L. Maher

Jessica L. Maher  
Moncure & Barnicle  
P.O. Box 636  
Brunswick, ME 04011  
(207) 729-0856  
Jmaher@mb-law.com

FOR DEFENDANTS THE TOWN OF  
BRUNSWICK AND TOWN OF  
WOOLWICH

/s/ Stephen E.F. Langsdorf

Stephen E.F. Langsdorf  
/s/ Kristin M. Collins  
Kristin M. Collins  
PRETI FLAHERTY  
45 Memorial Circle  
Augusta, ME 04330  
(207) 623-5300  
slangsdorf@preti.com  
kcollins@preti.com

FOR DEFENDANTS THE TOWN OF  
KITTERY AND TOWN OF WEST BATH

/s/ Sally J. Daggett

Sally J. Daggett  
JENSEN BAIRD GARDNER & HENRY  
Ten Free Street  
P.O. Box 4510  
Portland, ME 04112  
(207) 775-7271  
sdaggett@jbgh.com

FOR DEFENDANT THE TOWN OF  
BATH

/s/ Roger R. Therriault

Roger R. Therriault  
Therriault & Therriault  
48 Front Street  
Bath, ME 04530  
(207) 443-5182  
rtherriault@tlawmaine.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing document entitled *Joint Stipulation of Dismissal of Town Defendants* via the Court's CM/ECF system, which will serve a copy of same upon all counsel of record.

DATED: October 10, 2019

/s/ Joshua A. Randlett  
Joshua A. Randlett, Esq.